



Docket No.: 050340-0174

PATENT

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Masatoshi IIO : Confirmation Number: 7440
Application No.: 10/510,480 : Group Art Unit: 3749
Filed: October 07, 2004 : Examiner: BASICHAS, Alfred
For: FUEL CELL POWER PLANT WARM UP

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response supplements the election Response to Restriction Requirement filed November 28, 2006. In the November 28, 2006 response, Applicant elected Species II, claims 1-6 and 10 readable thereon. However, the undersigned erroneously asserted that claims 1-3 are generic to Species I-III and that claim 10 is generic to Species II and III. Applicant submits that the proper genus relationship of the claims is that claims 1-3 and 10 are generic to Species I-III and that claim 4 is generic to Species II and III. Upon the allowance of the claims of Species II, Applicant requests the examination and allowance of the withdrawn species. It is respectfully requested that the Examiner consider the proper genus relationship when examining the claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
McDERMOTT WILL & EMERY LLP

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Date: December 12, 2006